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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,890	02/04/2004	Hobie Reber	HOB-P-04-001	3879

29013 7590 08/14/2007

PATENTS+TMS, P.C.  
2849 W. ARMITAGE AVE.  
CHICAGO, IL 60647

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 08/14/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 10/771,890	<b>Applicant(s)</b> REBER, HOBIE	
	<b>Examiner</b> William J. Allen	<b>Art Unit</b> 3625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--


The Appeal Brief filed on 08 June 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

ON Page 2, section IV: Status of Amendments, Applicant recites "An amendment After Final was filed in the U.S. Patent Office on January 16, 2007 and was entered for the purposes of appeal". No where in the case history does there appear an After Final amendment filed on January 16, 2007, nor has an after final amendment been entered for purposes of appeal (see attached Appendix A). Appropriate correction is required.

  
JEFFREY A. SMITH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3800

PALM INTRANET

Day : Tuesday  
Date: 8/7/2007  
Time: 15:21:05

## Content Information for 10/771890

Search Another: Application # 

Search

or Patent# 

Search

PCT /  /  Searchor PG PUBS # 

Search

Attorney Docket # 

Search

Bar Code # 

Search

Appln Info

Contents

Petition Info

Atty/Agent Info

Continuity/Reexam

Foreign Data

Date	Status	Code	Description
07/07/2007		APBR	APPEAL BRIEF REVIEW COMPLETE
07/07/2007		FWDX	DATE FORWARDED TO EXAMINER
06/08/2007	121	AP.B	APPEAL BRIEF FILED
04/13/2007	120	N/AP	NOTICE OF APPEAL FILED
03/23/2007	61	MCTFR	MAIL FINAL REJECTION (PTOL - 326)
03/21/2007	60	CTFR	FINAL REJECTION
01/26/2007		FWDX	DATE FORWARDED TO EXAMINER
01/16/2007	71	A...	RESPONSE AFTER NON-FINAL ACTION
10/10/2006	41	MCTNF	MAIL NON-FINAL REJECTION
10/02/2006	40	CTNF	NON-FINAL REJECTION
08/15/2006		APBR	APPEAL BRIEF REVIEW COMPLETE
08/15/2006		FWDX	DATE FORWARDED TO EXAMINER
07/31/2006	121	AP.B	APPEAL BRIEF FILED
07/03/2006	120	N/AP	NOTICE OF APPEAL FILED
05/18/2006	61	MCTFR	MAIL FINAL REJECTION (PTOL - 326)
05/15/2006	60	CTFR	FINAL REJECTION
03/24/2006		FWDX	DATE FORWARDED TO EXAMINER
03/20/2006	71	A...	RESPONSE AFTER NON-FINAL ACTION
12/20/2005	41	MCTNF	MAIL NON-FINAL REJECTION
12/12/2005	40	CTNF	NON-FINAL REJECTION
02/27/2004		IDSC	INFORMATION DISCLOSURE STATEMENT CC
07/05/2005		DOCK	CASE DOCKETED TO EXAMINER IN GAU
05/31/2005		C.ADB	CORRESPONDENCE ADDRESS CHANGE
02/16/2005		TSSCOMP	IFW TSS PROCESSING BY TECH CENTER COM

02/16/2005	30	DOCK	CASE DOCKETED TO EXAMINER IN GAU
02/27/2004		RCAP	REFERENCE CAPTURE ON IDS
02/27/2004		M844	INFORMATION DISCLOSURE STATEMENT (II
02/27/2004		WIDS	INFORMATION DISCLOSURE STATEMENT (II
05/03/2004	20	WROIPE	APPLICATION RETURN FROM OIPE
05/03/2004	18	ROIPE	APPLICATION RETURN TO OIPE
05/03/2004	20	OIPE	APPLICATION DISPATCHED FROM OIPE
05/04/2004		COMP	APPLICATION IS NOW COMPLETE
03/15/2004		L194	CLEARED BY OIPE CSR
03/15/2004		CLSS	CASE CLASSIFIED BY OIPE
03/05/2004		SCAN	IFW SCAN & PACR AUTO SECURITY REVIEW
02/04/2004	19	IEXX	INITIAL EXAM TEAM NN

[Appln Info](#)[Contents](#)[Petition Info](#)[Atty/Agent Info](#)[Continuity/Reexam](#)[Foreign Data](#)

To go back use Back button on your browser toolbar.

Back to [PALM](#) | [ASSIGNMENT](#) | [OASIS](#) | [Home page](#)

10/771890

Inventor: REBER, HOBIE

Status: 121 - APPEAL BRIEF (OR SUPPLEMENTAL BRIEF) ENTERED AND FORWARDED TO EXAMINER

Title: SYSTEM AND A METHOD FOR LOCATING AN ITEM OFFERED FOR SALE BY A MERCHANT

Examiner: ALLEN, WILLIAM

GAU: 3625  
Classification: 705/027.000

PROSECUTION tab report (39 items, not sorted)

Img	Status	Doc Code	Document Type	Date	Pages	Annotations
	7	AP.B	Appeal Brief Filed	06/08/2007	81	
	7	N/AP	Notice of Appeal Filed	04/13/2007	1	
	7	CTFR	Final Rejection	03/23/2007	21	
	7	SRFW	Search information including classification, databases and other search related notes	03/23/2007	1	
	7	SRNT	Examiner's search strategy and results	03/19/2007	2	
	7	A...	Amendment - After Non-Final Rejection	01/16/2007	2	
	7	CLM	Claims	01/16/2007	7	
	7	REM	Applicant Arguments/Remarks Made in an Amendment	01/16/2007	28	
	7	WFEE	Fee Worksheet (PTO-06)	01/16/2007	1	
	7	CTNF	Non-Final Rejection	10/10/2006	32	
	7	FWCLM	Index of Claims	10/10/2006	1	
	7	SRFW	Search information including classification, databases and other search related notes	10/10/2006	1	
	7	SRNT	Examiner's search strategy and results	09/25/2006	1	
	7	AP.B	Appeal Brief Filed	07/31/2006	56	

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Img	Status	Doc Code	Document Type	Date	Pages	Annotations
	7	N/AP	Notice of Appeal Filed	07/03/2006	2	
	7	CTFR	Final Rejection	05/18/2006	13	
	7	FWCLM	Index of Claims	05/18/2006	1	
	7	SRFW	Search information including classification, databases and other search related notes	05/18/2006	1	
	7	SRNT	Examiner's search strategy and results	05/11/2006	7	
	7	WFEE	Fee Worksheet (PTO-06)	03/27/2006	1	
	7	A...	Amendment - After Non-Final Rejection	03/20/2006	2	
	7	CLM	Claims	03/20/2006	6	
	7	REM	Applicant Arguments/Remarks Made in an Amendment	03/20/2006	12	
	7	CTNF	Non-Final Rejection	12/20/2005	10	
	7	FWCLM	Index of Claims	12/20/2005	1	
	7	BIB	Bibliographic Data Sheet	12/20/2005	1	
	7	SRFW	Search information including classification, databases and other search related notes	12/20/2005	1	
	7	SRNT	Examiner's search strategy and results	12/12/2005	3	

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PROSECUTION tab report (39 items, not sorted)

Img	Status	Doc Code	Document Type	Date	Pages	Annotations
	7	EBCC.AD	Notice of Change of Address placed in File Wrapper due to EBC Customer Number update	06/01/2005	1	
	7	IDS	Information Disclosure Statement (IDS) Filed	02/27/2004	4	
	7	TRNA	Transmittal of New Application	02/04/2004	2	
	7	SPEC	Specification	02/04/2004	24	
	7	CLM	Claims	02/04/2004	4	
	7	ABST	Abstract	02/04/2004	1	
	7	DRW	Drawings	02/04/2004	4	
	7	136A	Authorization for Extension of Time all replies	02/04/2004	2	
	7	OATH	Oath or Declaration filed	02/04/2004	2	
	7	WFEE	Fee Worksheet (PTO-06)	02/04/2004	1	
	7	WFEE	Fee Worksheet (PTO-06)	02/04/2004	1	